

Other Orders/Judgments

1:06-cv-00667-JJF Perdoro v. Medical/Correctional Medical Services (CMS) et al
PaperDocuments

U.S. District Court

District of Delaware

Notice of Electronic Filing

The following transaction was entered on 11/9/2006 at 1:30 PM EST and filed on 11/9/2006

Case Name: Perdoro v. Medical/Correctional Medical Services (CMS) et al

Case Number: 1:06-cv-667

Filer:

Document Number: 4

Docket Text:

ORDER granting Motion to Proceed IFP. Plaintiff requested to submit trust fund account statement. Failure to submit items within 30 days will result in dismissal of action without prejudice. (Copy to pltf. with Mag. Consent Form) Notice of Compliance deadline set for 12/14/2006. Signed by Judge Joseph J. Farnan, Jr. on 11/9/06. (dab)

1:06-cv-667 Notice has been electronically mailed to:

1:06-cv-667 Notice has been delivered by other means to:

Antonio Perdoro
SBI#335275
SCI
P.O. Box 500
Georgetown, DE 19947

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1079733196 [Date=11/9/2006] [FileNumber=300481-0]
[6b0e69c1977ef962d4915293c79a66a1da044fcc13e55c90edb1824b6581d571ef2c
d289eca5fbdab3a2292c4d9c42d7bb4f1526e2e5067af9294c106f646bbc]]

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ANTONIO PERDORO,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 06-667 JJF
)	
MEDICAL/CORRECTIONAL MEDICAL)	
SERVICES, DEPARTMENT OF)	
CORRECTIONS, AND)	
C/O HOWARD BOWDEN,)	
)	
Defendants.)	

FILING FEE ORDER

1. The plaintiff, Antonio Perodoro, SBI #335275, a pro se litigant who is presently incarcerated, has filed this action pursuant to 42 U.S.C. § 1983 without prepayment of the filing fee.

2. Consistent with 28 U.S.C. § 1915(a)(1), the plaintiff has submitted an affidavit stating that he has no assets with which to prepay the filing fee. Based on the plaintiff's affidavit, his request to proceed in forma pauperis is granted.

3. Notwithstanding the above, pursuant to 28 U.S.C. § 1915(b)(1), the plaintiff shall be assessed the filing fee of \$350.00. In order to determine the schedule of payment of the filing fee, the plaintiff shall submit to the Clerk of Court, a

certified copy of his trust fund account statement (memorandum or institutional equivalent, with attachments) showing all deposits, expenditures and balances during the six-month period immediately preceding the filing of the complaint, obtained from the appropriate official at the institution at which the plaintiff is confined. **FAILURE OF THE PLAINTIFF TO RETURN THE REQUESTED INFORMATION WITHIN 30 DAYS FROM THE DATE THIS ORDER IS SENT SHALL RESULT IN DISMISSAL OF THIS ACTION WITHOUT PREJUDICE.**

4. Unless the Court determines from the plaintiff's financial information that he has no assets whatsoever, an initial partial filing fee of 20 percent (20%) of the greater of the plaintiff's average monthly deposit or average monthly balance in the trust fund account shall be required to be paid before the court reviews the complaint. **NOTWITHSTANDING ANY PAYMENT MADE, THE COURT SHALL DISMISS THE CASE IF THE COURT DETERMINES THAT THE ACTION IS FRIVOLOUS OR MALICIOUS, FAILS TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED, OR SEEKS MONETARY RELIEF AGAINST A DEFENDANT WHO IS IMMUNE FROM SUCH RELIEF.**

5. Pursuant to 28 U.S.C. § 1915(g), if the plaintiff has had three or more actions dismissed by the Court on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted, then the Court shall deny the plaintiff leave to proceed in forma pauperis in all future suits filed without prepayment of the filing fee, unless the

Court determines that the plaintiff is under imminent danger of serious physical injury.

DATED: 11/9/06


United States District Judge

UNITED STATES DISTRICT COURT

District of _____

Plaintiff

V.

Defendant

NOTICE, CONSENT, AND ORDER OF REFERENCE —
EXERCISE OF JURISDICTION BY A UNITED STATES
MAGISTRATE JUDGE

Case Number: 06-667

**NOTICE OF AVAILABILITY OF A UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION**

In accordance with the provisions of 28 U.S.C. §636(c), and Fed.R.Civ.P. 73, you are notified that a United States magistrate judge of this district court is available to conduct any or all proceedings in this case including a jury or nonjury trial, and to order the entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withholds consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of this district court.

CONSENT TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE

In accordance with provisions of 28 U.S.C. §636(c) and Fed.R.Civ.P. 73, the parties in this case consent to have a United States magistrate judge conduct any and all proceedings in this case, including the trial, order the entry of a final judgment, and conduct all post-judgment proceedings.

Party Represented	Signatures	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

ORDER OF REFERENCE

IT IS ORDERED that this case be referred to _____
United States Magistrate Judge, to conduct all proceedings and order the entry of judgment in accordance with 28 U.S.C. §636(c) and Fed.R.Civ.P. 73.

Date

United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED
ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.